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PATENT
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D. Patel
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Iskra

Serial No.: 08/928,272

Art Unit: 3761

Filed: September 12, 1997

Examiner: M. Patel

For: **COLLECTION CONTAINER ASSEMBLY**

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

This paper is submitted in response to the Office Action dated June 14, 2001. Favorable reconsideration of the above-identified patent application in view of the following remarks is respectfully requested:

REMARKS

a. **§103(a); Burns**

Claims 1 and 5-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,458,854 to Burns.

It is the examiner's position that it would have been an obvious matter of design choice to form the false bottom into an arcuate shape, since such a modification would have involved a mere change in the shape of the component. The examiner further states that a change in size is generally recognized as being within the level of ordinary skill in the art. In addition, the examiner states that applicant's specification does not disclose that the dimensions solves any particular problem or produces any unexpected result and therefore such is merely a matter of engineering design choice, and thus does not serve to patentably distinguish over the prior art. The examiner also notes that Burns does not disclose the false bottom end comprising an open bottom end extending from an arcuate shoulder.

Applicant respectfully traverses the rejection and submits that Claims 1 and 5-9 are not obvious over Burns.